

# Chapter 1.0 Introduction

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## 1.1 General Overview

This document represents the *Proposed Toquop Land Disposal Amendment to the Caliente Management Framework Plan (MFP) and the Final Environmental Impact Statement (FEIS)* for the proposed Toquop Energy Project in southern Nevada. The Proposed Action and alternatives evaluated in this document were developed in response to a proposal by Toquop Energy, Inc. (Toquop Energy) to construct and operate up to a 1,100-megawatt (MW) natural gas-fired water-cooled electric power generating plant. The plant and associated features (access road, utility corridors, and well-field) in Lincoln County, Nevada, would be located on lands presently managed by the Ely Field Office of the U.S. Bureau of Land Management (BLM). A portion of the plant access road would be on land in Clark County, Nevada, presently managed by the Las Vegas Field Office of the BLM. This document evaluates three BLM actions and the potential environmental effects that would result from: 1) issuance of Rights-of-Way (ROWs) under FLPMA for the construction and operation of the electric power generating plant, access road, water pipeline, and wellfield; 2) evaluation of the effects of adopting the *Proposed Toquop Land Disposal Amendment to the Caliente Management Framework Plan*, which would identify specific sections of public land as suitable for disposal; and 3) exchange of a federally managed parcel of public land where the plant would be located for a private parcel of land owned by the Nevada Land and Resource Company, LLC (NLRC).

This document was prepared in compliance with the Council on Environmental Quality (CEQ) regulations for implementing the National Environmental Policy Act (NEPA) (40 CFR § 1500-1508); the *NEPA Handbook*, H-1790-1; the Ely Field Office *Environmental Analysis Guidebook*; Sections 201, 202, and 206 of the Federal Land Policy and Management Act (FLPMA) of 1976 (43 CFR § 1600); and the *Land Use Planning Handbook* (BLM Handbook H-1601-1). The BLM is the federal lead agency in the NEPA process and development of this document. The U.S. Army Corps of Engineers (USACE) is a cooperating agency.

## 1.2 Purpose

The proposed plant would generate electrical power at competitive costs for use by consumers to ease the near- and long-term shortages of power in the western United States. The proposed project would contribute to meeting the demand for power in the Western Systems Coordinating Council (WSCC) service area, including the Las Vegas area, and would also contribute to meeting the capacity and annual energy requirements for the remainder of the Arizona-New Mexico-southern Nevada power area.

The project would provide economic benefits to Lincoln County, Nevada, which will provide opportunities for an increased tax base and increased employment opportunities.

The project would provide the BLM with a mechanism for acquiring a desirable parcel of private land in the Pah Rah Range in northwestern Nevada and would facilitate

public land management by the BLM by creating contiguous tracts of land.

### 1.3 Need and Background

The WSCC estimates a demand for approximately 11,300 MW of new power plant generation to be constructed in its region of the western United States over the next 10 years to maintain reliable operation of the transmission system. The Toquop project would provide much needed support to the overall energy supply in this region and contribute approximately 10 percent of the projected demand for new generation within the WSCC. Based on data available from the WSCC, the 2002 Operating Reserve Margin (the difference between available capacity, excluding transfers, and peak demand) for the Las Vegas area and the Arizona-New Mexico-southern Nevada area is minus 2.9 percent. This indicates that the area relies on importing electricity to meet peak demands. This situation is the result of growth in the demand for electricity to serve a fast growing region. The proposed project would significantly strengthen the electric grid in the Las Vegas area, including the City of Mesquite, based on the flow of electric power on the existing transmission system.

Needed and desired economic benefits would result from the construction and operation of the power plant. Lincoln County is approximately 98 percent public land with limited industrial and commercial development. Lincoln County ranks near the bottom among Nevada's counties in population, total personal and per capita income, and tax revenues.

Development of the proposed power plant and associated linear facilities would provide important increases to the Lincoln County tax base through sales, use, and

property taxes on the power plant improvements. The construction and operation of the power plant would have positive effects on employment opportunities and result in increased revenue from project-related purchases of goods and services.

The land exchange would be between NLRC and BLM's Carson City Field Office. NLRC owns over 1.2 million acres of land in northern Nevada, lying in a checkerboard pattern interspersed with other privately owned and federally managed public lands. Much of the NLRC land has many resources desirable to the BLM (such as sage grouse habitat) and is identified for acquisition in BLM land use plans. Since certain disposable BLM-managed lands are desirable for economic development by NLRC, this land exchange would benefit both parties and the general public.

### 1.4 Project Location

The Toquop Energy Project area is located in Lincoln County in southern Nevada on public lands managed by the Ely Field Office of the BLM (see Map 1-1). The power plant site for the Proposed Action is near the Toquop Wash, approximately 50 miles south-southeast of Caliente and 12 miles northwest of Mesquite. This site is referred to as the Toquop southern parcel in this EIS. An alternative power plant site is approximately 12 miles north-northwest of the Toquop Wash plant site. This site is referred to as the Toquop northern parcel in this EIS. Approximately 640 acres of private land (the Pah Rah parcel) presently owned by the NLRC in the Pah Rah Range in Washoe County in northwestern Nevada (see Map 1-2) could be exchanged for a similarly valued parcel of public land at the Toquop Wash plant site (southern parcel) or at the alternative

Map 1-1 front, color, 11x17

Map 1-1 back, color, 11x17

Map 1-2, front, color, 8-1/2 x 11

Map 1-2, back, color, 8-1/2 x 11

plant site in Lincoln County (northern parcel).

## **1.5 Policies, Plans, and Programs**

### ***1.5.1 Plan Conformance***

Exchange of the Pah Rah Range parcel is consistent with existing land use plans in Washoe County and the BLM *Carson City Field Office Consolidated Resource Management Plans* (CRMP) and would provide an opportunity to consolidate public lands for more logical and beneficial land management. However, the Toquop parcels of public land in Lincoln County have not been identified for disposal in the current Caliente MFP. Therefore, amending the MFP would be required in order for the land exchange to occur. The portion of the plant access road that would be located in Clark County would meet the requirements of the Las Vegas Field Office of the BLM, including the Las Vegas RMP.

### ***1.5.2 Relationships to BLM Policies, Plans, and Programs***

The BLM is responsible for managing lands needed for the Toquop Energy Project. Toquop Energy's use of public land in the Caliente Management Area requires conformance with BLM's land management policies, as well as the FLPMA of 1976 (as amended). The BLM must review Toquop Energy's development plans to ensure that adequate provisions are included to: prevent unnecessary degradation of public lands and their resources; ensure reclamation of disturbed areas; and ensure compliance with applicable state and federal laws. Approved BLM land use plans in adjacent

administrative units include the *Las Vegas RMP*, *Arizona Strip Field Office RMP*, *Virgin River MFP*, and the *Nellis Air Force Range Resource Plan*.

The BLM would be required to amend the Caliente MFP to identify the parcel of public land needed for the power plant as being suitable for disposal. The BLM could then proceed with the land exchange. In addition, the BLM could issue ROWs for 42 years—covering the construction and expected operational life of the project—for the access roads, utility corridors, and well sites. An option to the land exchange would be to keep all public lands needed for the project under BLM management and to issue ROWs for the power plant site as well as the linear facilities. This option does not require amending the Caliente MFP, but it does require compliance with NEPA and is, therefore, addressed in *Chapter 4, Environmental Consequences*, of this document.

### ***1.5.3 Relationships to Non-BLM Policies, Plans, and Programs***

The Proposed Action and other action alternatives are consistent with approved resource-related policies and programs of other federal agencies, Indian Tribes, local governments, and the State of Nevada. Approved land use plans for other adjacent federal administrative units include the *Desert Wildlife Range Management Plan*. Plans approved by adjacent counties include the *Clark County Multiple Species Habitat Conservation Plan* (HCP) (Nevada), the Lincoln County Policy Plan for Public Lands, a chapter of the *Nevada Statewide Policy Plan for Public Lands*, the *Lincoln County Master Plan Evaluation and 1992 Update*, the *Lincoln County Public Land Management and Use*

*Plan*, and the *Washington County HCP* (Utah).

The land exchange would place about 640 acres of BLM-managed lands in Lincoln County in private ownership and on the Lincoln County tax roles which would be consistent with a resolution passed by the Lincoln County Commissioners on June 20, 1994. That resolution opposed land exchanges that either take land off of county tax roles or place land into a tax exempt status. The proposed project would result in additional property tax revenues for Lincoln County.

## **1.6 Management Framework Plan Amendment Process Overview**

The land use planning process, as mandated by FLPMA, requires the BLM to solicit and incorporate public input in the management of public lands, while still complying with the laws and policies established by Congress and the Executive Branch of the federal government. Amendments to approved land use plans are developed using the planning process described in the following text.

### ***1.6.1 Identification of Issues***

Issues drive the plan amendment process and indicate concerns that the BLM and the public may have regarding the management of specific resources in a planning area. An issue is defined as an opportunity, conflict, or problem pertaining to the management of public lands and associated resources.

Identification of issues orients the planning process so that interdisciplinary analysis and documentation are directed toward resolution of those issues.

This amendment of the Caliente MFP constitutes a single-issue planning document that addresses the effects of the proposed land disposal in Lincoln County, Nevada. It responds to the following planning question: what effects, if any, on physical, biological, social, and economic resources will result from the disposal of public lands?

### ***1.6.2 Development of Planning Criteria***

Planning criteria are formulated to guide the development of a land use plan amendment and the evaluation of the Proposed Action and alternatives. The criteria are derived from laws; Executive Orders; regulations; planning principles; BLM guidance; consultation with interest groups and the general public; and available resource information for the area. Table 1-1 lists the planning criteria for the Toquop Land Disposal Amendment to the Caliente MFP.

### ***1.6.3 Inventory and Data Evaluation***

Using the planning criteria and focusing on the proposed land disposal, BLM specialists review and evaluate available data. These data include results of field examinations, published and unpublished studies, and consultations with individuals and staff from other agencies and organizations.

**TABLE 1-1**

Planning Criteria for the Toquop Land Disposal Amendment to the Caliente MFP

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Comply with applicable laws, Executive Orders, and regulations listed in Section 1.7.1 Applicable Laws and Regulations and Table 1-2 of this document.

Management direction within the existing Caliente MFP, except for the proposed parcels of publicly administered land in Lincoln County to be considered for disposal.

Use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, social, and economic aspects of disposal of the Lincoln County parcels.

Weigh short-term and long-term benefits and detriments to Lincoln County.

Coordinate BLM resource inventory, planning, and management activities in the amended Caliente Planning Unit with the resource planning and management programs of other federal agencies, state and local governments, and Indian Tribes, to the extent consistent with applicable laws.

Rely on available inventories and existing resource data for the Lincoln County parcels considered for disposal to reach sound management decisions.

Define any BLM-administered critical habitat for federally protected species within the Lincoln County parcels considered for disposal.

Develop and implement management actions on lands adjacent to the Lincoln County parcels, as appropriate, to accomplish the goals and objectives of recovery plans for any federally listed species.

When public land acreage is no longer available for grazing, there is an implied reduction to livestock grazing. Actual reductions in livestock grazing may or may not occur as a result of this proposed land exchange, depending on whether or not current management practices can facilitate the change in public land that remains available for livestock grazing.

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### ***1.6.4 Analysis of the Existing Condition***

An analysis of the existing condition and capabilities of resources within the land parcels that could be disposed is contained in this EIS. The analysis provides the database for developing and evaluating alternatives and is generally incorporated into the Final Plan Amendment as the Affected Environment, and to some extent, the No Action Alternative.

### ***1.6.5 Formulation of Alternatives***

On the basis of the issues, planning criteria, and concerns raised during scoping, and in public comments on the DEIS, the Proposed Action and three other comprehensive action alternatives were

developed for consideration. The No Action Alternative represents a continuation of present activities. The Proposed Action and each of the other action alternatives must meet the purpose and need for action and address the issues, while emphasizing different management. For this project, several alternatives were considered but eliminated from detailed analyses. These are described in *Chapter 2, Section 2.7, Alternatives Considered During Scoping but Eliminated from Further Consideration*, with a discussion of why they were not considered further.

### ***1.6.6 Estimation of the Effects of Alternatives***

In accordance with NEPA, the physical, biological, social, and economic effects of implementing the Proposed Action and

each alternative are estimated in order to allow for a comparative evaluation of impacts (see *Chapter 4, Environmental Consequences*).

### ***1.6.7 Selection of the Preferred Alternative***

The Ely Field Manager recommends a Preferred Alternative to the Nevada State Director, based on the issues and information identified through the planning process; coordination and consultation with other entities; and the impact analyses of the Proposed Action and alternatives. The Proposed Toquop Land Disposal Amendment to the Caliente MFP/DEIS was distributed to the public, including other government agencies and interest groups, for a 90-day review and comment period.

### ***1.6.8 Selection of the Proposed Plan Amendment***

Following the public review and comment period on the draft document, the Ely Field Manager recommends a Proposed Caliente MFP Amendment to the Nevada State Director. Based on an evaluation of the public comments, the BLM may retain the Preferred Alternative or select a different alternative from the range of alternatives identified in the Draft Plan Amendment. The Proposed Toquop Land Disposal Amendment to the Caliente MFP/Final EIS will be filed with the Environmental Protection Agency (EPA) and distributed to the public for review.

### ***1.6.9 Monitoring and Evaluation***

Monitoring and evaluation would be conducted at 5-year intervals for the Caliente MFP. These data would be used to determine the effectiveness of the plan

amendment in achieving the desired results; to ensure that Best Management Practices (BMPs), Standard Operating Procedures (SOPs), and mitigation measures are satisfactory; and to ascertain whether there have been changes in related plans of other federal, state, or local governments. Any information gained would be incorporated into future planning, including other amendments or revisions to the Caliente MFP.

## **1.7 Applicable Laws and Regulations and Authorizing Actions and Permits**

### ***1.7.1 Applicable Laws and Regulations***

Table 1-2 lists laws and regulations potentially applicable to the Proposed Action and other action alternatives.

### ***1.7.2 Permits and Approvals***

Table 1-3 lists federal, state, county, and other permits and approvals that may be needed to implement the Proposed Action or other action alternatives.

## **1.8 Interrelated Projects**

CEQ guidelines for the preparation of EISs require that cumulative impacts be addressed in addition to direct and indirect impacts. Cumulative impacts are those incremental impacts that would result from the effects of the Proposed Action or action alternatives when added to the effects of other past, present, and reasonably foreseeable projects. The BLM recognizes the need for a thorough analysis of potential cumulative effects, not only from power plant siting activities,

but from other development activities as well.

This section identifies nine large interrelated projects whose cumulative impacts may potentially extend across a broad range of the resource categories being assessed in this document (see Map 1-3). Each project has been evaluated to determine if it is sufficiently defined (reasonably foreseeable) to be: 1) relevant to potential impacts; 2) within the project area of influence; and 3) of a magnitude that could potentially result in a cumulative impact. Descriptions and cumulative effects, if any, of the projects listed below are presented in *Section 4.18, Cumulative Impacts*, of *Chapter 4, Environmental Consequences*, together with any other projects not listed here whose effects would be very resource-specific. The nine large, interrelated

projects considered in the cumulative impacts analysis include the following:

- Sale and build-out of the Mesquite Land Act property
- Sale and build-out of the Lincoln County Land Act property
- Coyote Springs Development Project
- Moapa Paiute Energy Center
- Meadow Valley Generating Project
- Moapa Energy Facility Project
- Apex Generating Station Project
- Silverhawk Power Station Project
- Kern River 2003 Pipeline Expansion

**TABLE 1-2**

Laws and Regulations that may Apply to the Proposed Action and Other Action Alternatives of the Toquop Energy Project

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National Environmental Policy Act (NEPA) 42 USC 4321 et seq.
Council on Environmental Quality (CEQ) general regulations implementing NEPA (40 CFR Parts 1500-1508)
Department of the Interior's (DOI) implementing procedures and proposed revisions (August 28, 2000, Federal Register)
Bureau of Land Management's (BLM) NEPA Handbook H-1790-1 (1988)
National Historic Preservation Act (NHPA) and regulations implementing NHPA 16 USC 470 et seq.
Antiquities Act of 1906 16 USC 431 et seq.
Archeological Resources Protection Act, as amended (ARPA) 16 USC 470aa et seq.
Native American Graves Protection and Repatriation Act of 1990 (NAGPRA)
Clean Air Act (CAA) 42 USC 7401 et seq.
Clean Water Act (CWA) 33 USC 1251 et seq.
Endangered Species Act (ESA) 16 USC 1531 et seq.
Nevada Division of Forestry Critically Endangered Flora Law (NRS 5.27-5.33)
Noise Control Act of 1972, as amended (NCA) 42 USC 4901 et seq.
Occupational Safety and Health Act (OSHA) 29 USC 651 et seq. (1970)
Mineral Leasing Act (gas pipeline to Toquop northern parcel)
Pollution Prevention Act of 1990 (PPA) 42 USC 13101 et seq.

**TABLE 1-2**

Laws and Regulations that may Apply to the Proposed Action and Other Action Alternatives of the Toquop Energy Project

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Safe Drinking Water Act (SDWA) 42 USC s/s 300f et seq. (1974)
Migratory Bird Treaty Act (Migratory Bird Guidance) 16 USC 703–711 Executive Order January 1, 2001
NEPA, Protection and Enhancement of Environmental Quality Executive Order 11512
National Historic Preservation Executive Order 11593
Floodplain Management Executive Order 11988
Protection of Wetlands Executive Order 11990
Federal Compliance with Pollution Control Standards Executive Order 12088
Environmental Justice Executive Order 12898
Indian Sacred Sites Executive Order 13007
American Indian Religious Freedom Act of 1978 (42 USC 1996)
Consultation and Coordination with Indian Tribal Governments Executive Order 13084
Invasive Species Executive Order 13112
Memorandum for the Heads of Executive Departments and Agencies (signed by President Clinton on April 29, 1994)
Responsibilities, and the Endangered Species Act, Secretarial Order 3206 (June 5, 1997)
Federal Land Policy and Management Act of 1976 (FLPMA) 43 USC 1701 et seq.
Federal Land Exchange Facilitation Act of 1988 (FLEFA), amended FLPMA
BLM land exchange regulations 43 CFR 2200
BLM right-of-way regulations 43 CFR 2800

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**TABLE 1-3**

Federal, State, County, and Other Permits and Approvals that may be Needed to Implement the Proposed Action or Other Action Alternatives of the Toquop Energy Project

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<b>Federal Permits and Approvals</b>
Bureau of Land Management NEPA Record of Decision for Proposed Action
Bureau of Land Management Rights-of-Way and Temporary Use Permits for water pipelines, transmission lines, access roads, gas pipeline, and other ancillary approvals
Bureau of Land Management Amendment of the Caliente Management Framework Plan and Planning Document
U.S. Fish and Wildlife Service, Endangered Species Act Section 7 Consultation and Biological Opinion
U.S. Army Corps of Engineers, Section 404/Section 10 Permit
Acid Rain (Title IV CAA) Permit
U.S. Environmental Protection Agency, Region IX, Title V (CAA) Operating Permit
U.S. Environmental Protection Agency, Section 402 National Pollutant Discharge Elimination System Notification for Stormwater Management during Construction
U.S. Environmental Protection Agency, Section 402 National Pollutant Discharge Elimination System Notification for Stormwater Management during Operation

**TABLE 1-3**

Federal, State, County, and Other Permits and Approvals that may be Needed to Implement the Proposed Action or Other Action Alternatives of the Toquop Energy Project

<b>State of Nevada Permits and Approvals</b>
Nevada State Historic Preservation Office (SHPO), Section 106 review and concurrence, per National Historic Preservation Act for BLM lands, per protocol between BLM and Nevada SHPO
Nevada Division of Wildlife, Region 3 Project Review: Wildlife and Habitat Consultation for disturbance on BLM land
Nevada Division of Wildlife—Authorization for take or removal of state-protected reptiles
Temporary Discharge Permit—Nevada Division of Environmental Protection, Bureau of Water Pollution Control
Nevada Public Utility Commission Utility Environmental Protection Act
Nevada Division of Forestry, Native Cacti and Yucca Commercial Salvaging and Transportation Permit
Nevada Division of Forestry, Permit for the Take of Critically Endangered Flora
Nevada Division of Environmental Protection, Section 401 Water Quality Certification
Water Right Permit-State Engineer—Nevada Department of Water Resources
Prevention of Significant Deterioration Program Major Source Permit—Nevada Department of Environmental Quality
Dust Control Permit— Nevada Department of Environmental Quality
Ground Water Discharge Permit— Nevada Division of Environmental Protection, Bureau of Water Pollution Control
Industrial Artificial Pond Permit—Nevada Division of Wildlife
Nevada Department of Transportation Encroachment Permit
<b>Lincoln County and Clark County Permits and Approvals</b>
Lincoln County Master Plan Amendment, Zone Change, and Special Use Permit
Grading permits for power plant, water pipeline, wellfield, and access road on BLM land
Clark County Multiple Species Habitat Conservation Plan
Southeast Lincoln County Multiple Species Habitat Conservation Plan
<b>Other Permits and Approvals</b>
Kern River Gas Transmission Company Encroachment and Approval
Approval for interconnection with the Navajo-McCullough Electric Transmission Line
Approval for interconnection with the Red Butte-Harry Allen Electric Transmission Line



Map 1-3, color, front, 8-1/2 x 11

Map 1-3, color, back, 8-1/2 x 11